

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
FILED

JUL 31 2009

Clerk of Court

VICTOR ANTHONY

vs.

CHARLES MCGUIRE,
NATIONAL SETTLEMENTS, INC.,
and GLOBAL CLIENT SOLUTIONS, INC. §
§
§
§
§
§
§

Civil Action No.:

09-2442

(Removed from County Court
at Law No. 3 Harris County, Texas)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Global Client Solutions, Inc. (“Global”) files this Notice of Removal from the County Court of Harris County, Texas, to the United States District Court for the Southern District Court of Texas, Houston Division, and respectfully states the following:

I.

State Court Action

1. On June 22, 2009, Plaintiff Victor Anthony (“Plaintiff”), initiated this action by filing Plaintiff’s Original Petition (the “Petition”), Cause No. 942312, in the County Court at Law No. 3 of Harris County, Texas (the “State Court Action”) against Global, Charles McGuire, and National Settlements, Inc. Plaintiff asserts claims for violations of the Texas Deceptive Trade Practices Act, as well as the Texas Penal Code, and seeks attorneys’ fees, and treble and punitive damages.

II.

Timeliness of Removal

2. Plaintiff sent a letter dated July 2, 2009 to Global via certified mail enclosing a citation issued by the Clerk of the County Court in Harris County, Texas. The attempted mailing

does not comply with the Texas Long Arm Statute for service upon a non-resident, foreign corporation. It is unclear on what date the letter was received by Global, therefore in an abundance of caution; Global is assuming the correspondence was received on the following day, July 3, 2009. Global is therefore filing this Notice of Removal within thirty days after receipt of papers indicating that this Court has jurisdiction of these claims. Thus, pursuant to 28 U.S.C. § 1446(b), Global's removal of this action is timely.

III.
Grounds for Removal

3. The State Court Action may be removed to this Court pursuant to 28 U.S.C. § 1441(a) because this Court has original jurisdiction of the claims and parties in the State Court Action pursuant to 28 U.S.C. § 1332. The United States District Court for the Southern District of Texas, Houston Division, is the proper venue for this action under 28 U.S.C. § 1441(a) because it presides over the district and division within which the State Court Action was filed—Harris County, Texas.

4. As set forth in paragraph 2.1 of the Petition, Plaintiff is a resident of the State of New York.

5. As set forth in paragraph 2.2 of the Petition, Defendant Charles McGuire, is now and was at the time the action commenced, a resident of the State of Texas.

6. As set forth in paragraph 2.3 of the Petition, Defendant National Settlements, Inc. is now and was at the time the action commenced a corporation organized and existing under the laws of the State of Texas. The principal place of business for Defendant National Settlements, Inc. is now and was at the time the action commenced located in the Houston, Texas.

7. As set forth in paragraph 2.4 of the Petition, Global is now and was at the time the action commenced a limited liability company organized and existing under the laws of the State

of Oklahoma. The principal place of business for Global is now and was at the time the action commenced located in the State of Oklahoma.

8. The amount in controversy exceeds \$75,000, exclusive of interest and costs.

8(a) In paragraph 4.9 of the Petition, Plaintiff alleges that he has been severely damaged by harm to his credit rating and credit scores and that his damages include the promised savings of \$36,886, the supposed increase in the balance due to creditors of \$45,000, attorney's fees incurred to defend other lawsuits amounting to \$2,000, and \$12,309.00, the amount Plaintiff alleges he has paid to Defendant National Settlements, Inc. Plaintiff further alleges that he has suffered mental anguish and emotional distress because of the acts of Defendant National Settlements, Inc;

8(b) In paragraph 5.6 of the Petition, Plaintiff alleges he is entitled to treble damages pursuant to the Texas Deceptive Trade Practices and Consumer Protection Act;

8(c) In paragraph 6.4 of the Petition, Plaintiff alleges he is entitled to recover the amount paid to Defendant National Settlements, Inc. pursuant to the Texas Finance Code;

8(d) In paragraph 7.2 of the Petition, Plaintiff sets forth that he is entitled to recover his attorney's fees pursuant to the Texas Civil Practice and Remedies Code, the Texas Deceptive Trade Practices and Consumer Protection Act, and the Texas Finance Code; and

8(e) In the Prayer of the Petition, Plaintiff sets forth that among the relief sought, Plaintiff is seeking actual damages, statutory damages, as well as punitive damages.

9. Finally, this action is not one which is described in 28 U.S.C. § 1445.

IV.

Consent to Removal

10. The rule of unanimity is satisfied as all defendants that have been served or otherwise properly joined in this action join in this Notice of Removal. See Defendants Charles McGuire and National Settlements, Inc.'s Consent to Removal, attached as Exhibit "A" to this Notice of Removal.

V.

Notice of the Removal

11. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to all adverse parties and a true and correct copy of this Notice of Removal will be filed with the Clerk in the County Court of Harris County, Texas. (A copy of the state court notification of removal is attached as Exhibit "B.")

VI.

Required Documents

12. Pursuant to and in accordance with Local Rule 81, the following documents are attached hereto:

12(a) All executed process in the case, attached hereto as Exhibit "C;"

12(b) All pleadings asserting causes of action, e.g., petitions, counterclaims, cross actions, third-party actions, interventions, and all answers to such pleadings, attached hereto as Exhibit "D;"

12(c) The docket sheet, attached hereto as Exhibit "E;"

12(d) An index of all matters being filed, attached hereto as Exhibit "F;" and

12(e) A list of all counsel of record, including addresses, telephone numbers, and parties represented, attached hereto as Exhibit "G."

VII.
Reservation of Rights

13. In filing this Notice for Removal, Global is making a special limited appearance. Global denies that it has been effectively served with adequate process under Texas law or the Texas Long Arm Statute, that it is a proper party to this action, and otherwise contends that it is not subject to either personal or subject matter jurisdiction in this case.


14. By filing this Notice for Removal, Global does not waive its right to demand enforcement of the parties' arbitration and forum selection clauses, object to venue, or otherwise assert any and all defenses available to it, including those defenses enumerated in Rule 12(b) of the Federal Rules of Civil Procedure, all of which Global expressly reserves.

VIII.
Request for Relief

Global Client Solutions, LLC requests the following relief:

- (a) That the Court make such orders and take such action as may be necessary in connection with the removal of the State Court Action to this Court; and
- (b) Such other and further relief, both general and special, at law and in equity, to which Global Client Solutions, LLC may show itself justly entitled.

Respectfully submitted,


CLARK, THOMAS & WINTERS, P.C.

Laura E. De Santos
Texas Bar No. 00793612
Fed. I.D. No. 19328
Clark, Thomas & Winters, P.C.
3000 Wesleyan, Suite 265
Houston, Texas 77027
713-621-0200 (phone)
713-621-0204 (fax)

Of Counsel:

Jack E. Urquhart
Texas Bar No. 20415600
Federal I.D. No. 2082
Clark, Thomas & Winters, P.C.
3000 Wesleyan, Suite 265
Houston, Texas 77027
713-621-0200 (phone)
713-621-0204 (fax)

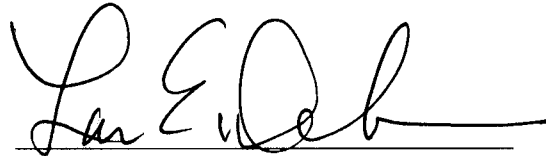
**ATTORNEYS FOR DEFENDANT
GLOBAL CLIENT SOLUTIONS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on this the 31st day of July, 2009, a true and correct copy of the Defendant's Notice of Removal has been served on the following counsel of record:

VIA FIRST CLASS U.S. MAIL/CMRR

Mark L. Aschermann
Attorney at Law
6300 West Loop South, Suite 341
Bellaire, Texas 77401

A handwritten signature in black ink, appearing to read 'Laura E. De Santos', written over a horizontal line.

Laura E. De Santos

I NDEX

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VICTOR ANTHONY	§	
	§	
vs.	§	Civil Action No.: _____
	§	
CHARLES MCGUIRE,	§	
NATIONAL SETTLEMENTS, INC.,	§	(Removed from County Court
and GLOBAL CLIENT SOLUTIONS, INC.	§	at Law No. 3 Harris County, Texas)

INDEX OF ALL MATTERS BEING FILED

Consents to RemovalExhibit A

State Court Notification of Removal
To Be Filed With State Court After RemovalExhibit B

All Executed Process on FileExhibit C

1. Officer's Return of Service regarding service of Citation and Petition on Defendant Charles McGuire on July 8, 2009.
2. Officer's Return of Service regarding service of Citation and Petition on Defendant National Settlements, Inc. on July 9, 2009.

All Pleadings Asserting Causes of Action and
All Answers to Such Pleadings.....Exhibit D

1. Plaintiff's Original Petition, filed June 22, 2009.
2. Defendants', Charles McGuire and National Settlements, Inc., Original Answer to the Original Petition filed on July 22, 2009.

All Orders Signed by the State JudgeExhibit E

State Court Docket SheetExhibit F

Index of Matters Being FiledExhibit G

List of All Counsel of Record.....Exhibit H

A

IN THE UNITED STATES DISCTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VICTOR ANTHONY	§	
	§	
vs.	§	Civil Action No.: _____
	§	
CHARLES MCGUIRE,	§	
NATIONAL SETTLEMENTS, INC.,	§	(Removed from County Court
and GLOBAL CLIENT SOLUTIONS, INC.	§	at Law No. 3 Harris County, Texas)

EXHIBIT A

CONSENTS TO REMOVAL

Consent to Removal of Defendants Charles McGuire
and National Settlements, Inc.Exhibit A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VICTOR ANTHONY

V.

CHARLES MCGUIRE, NATIONAL
SETTLEMENTS, INC., AND
GLOBAL CLIENT SOLUTIONS, LLC.

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Civil Action No. _____

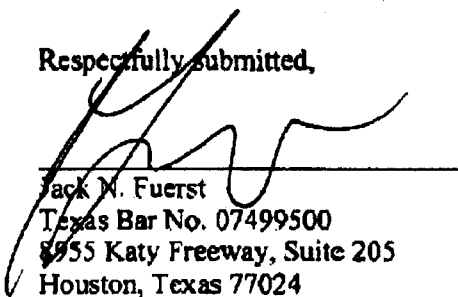
Removed from the County Court
At Law No. 3, Harris County, Texas

CONSENT TO REMOVAL

Defendants Charles McGuire and National Settlements, Inc. hereby consent to the removal to this Court of the action styled *Victor Anthony v. Charles McGuire, National Settlements and Global Client Solutions, Inc.*, Cause No. 942312; In the County Court at Law No. 3 of Harris County, Texas.

Dated: July 30, 2009.

Respectfully submitted,



Jack M. Fuerst
Texas Bar No. 07499500
8955 Katy Freeway, Suite 205
Houston, Texas 77024
713-299-8221 (phone)
713-789-2606 (fax)

ATTORNEY FOR DEFENDANTS
CHARLES MCGUIRE AND
NATIONAL SETTLEMENTS, INC.

B

IN THE UNITED STATES DISCTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VICTOR ANTHONY	§	
	§	
vs.	§	Civil Action No.: _____
	§	
CHARLES MCGUIRE,	§	
NATIONAL SETTLEMENTS, INC.,	§	(Removed from County Court
and GLOBAL CLIENT SOLUTIONS, INC.	§	at Law No. 3 Harris County, Texas)

EXHIBIT B

STATE COURT NOTIFICATION OF REMOVAL
TO BE FILED AFTER REMOVAL

CAUSE NO. 942312

VICTOR ANTHONY	§	IN THE COUNTY COURT
	§	
	§	
V.	§	AT LAW NO. 3
	§	
CHARLES MCGUIRE, NATIONAL	§	
SETTLEMENTS, INC., AND	§	
GLOBAL CLIENT SOLUTIONS,	§	HARRIS COUNTY, TEXAS
LLC.	§	

NOTIFICATION OF REMOVAL

PLEASE TAKE NOTICE that a Notice of Removal of the above-styled action from this Court to the United States District Court for the Southern District of Texas, Houston Division was filed with the United States District Court this 31st day of July, 2009. A copy of the Notice of Removal is attached hereto as Exhibit "A." In light of the removal, "the State court shall proceed no further unless and until the case is remanded." 28 U.S.C. § 1446(d). A copy of the Notice of Removal, without attachments, is attached hereto as Exhibit "A."

Respectfully submitted,

CLARK, THOMAS & WINTERS, P.C.,


Jack E. Urquhart
Texas Bar No. 20415600
Laura E. De Santos
Texas Bar No. 00793612
Clark, Thomas & Winters, P.C.
3000 Wesleyan, Suite 265
Houston, Texas 77027
713-621-0200 (phone)
713-621-0204 (fax)


ATTORNEYS FOR DEFENDANT
GLOBAL CLIENT SOLUTIONS, LLC

CERTIFICATE OF SERVICE

I hereby certify that on this the 31st day of July, 2009, a true and correct copy of the foregoing instrument was served on the following counsel of record:

VIA FIRST CLASS U.S. MAIL/CMRR

Mark L. Aschermann
Attorney At Law
6300 West Loop South, Suite 341
Bellaire, Texas 77401



Laura E. De Santos

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VICTOR ANTHONY

vs.

CHARLES MCGUIRE,
NATIONAL SETTLEMENTS, INC.,
and GLOBAL CLIENT SOLUTIONS, INC. §

§
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Civil Action No.: _____

(Removed from County Court
at Law No. 3 Harris County, Texas)

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Global Client Solutions, Inc. ("Global") files this Notice of Removal from the County Court of Harris County, Texas, to the United States District Court for the Southern District Court of Texas, Houston Division, and respectfully states the following:

I.

State Court Action

1. On June 22, 2009, Plaintiff Victor Anthony ("Plaintiff"), initiated this action by filing Plaintiff's Original Petition (the "Petition"), Cause No. 942312, in the County Court at Law No. 3 of Harris County, Texas (the "State Court Action") against Global, Charles McGuire, and National Settlements, Inc. Plaintiff asserts claims for violations of the Texas Deceptive Trade Practices Act, as well as the Texas Penal Code, and seeks attorneys' fees, and treble and punitive damages.

II.

Timeliness of Removal

2. Plaintiff sent a letter dated July 2, 2009 to Global via certified mail enclosing a citation issued by the Clerk of the County Court in Harris County, Texas. The attempted mailing

Exhibit A

does not comply with the Texas Long Arm Statute for service upon a non-resident, foreign corporation. It is unclear on what date the letter was received by Global, therefore in an abundance of caution; Global is assuming the correspondence was received on the following day, July 3, 2009. Global is therefore filing this Notice of Removal within thirty days after receipt of papers indicating that this Court has jurisdiction of these claims. Thus, pursuant to 28 U.S.C. § 1446(b), Global's removal of this action is timely.

III. Grounds for Removal

3. The State Court Action may be removed to this Court pursuant to 28 U.S.C. § 1441(a) because this Court has original jurisdiction of the claims and parties in the State Court Action pursuant to 28 U.S.C. § 1332. The United States District Court for the Southern District of Texas, Houston Division, is the proper venue for this action under 28 U.S.C. § 1441(a) because it presides over the district and division within which the State Court Action was filed—Harris County, Texas.

4. As set forth in paragraph 2.1 of the Petition, Plaintiff is a resident of the State of New York.

5. As set forth in paragraph 2.2 of the Petition, Defendant Charles McGuire, is now and was at the time the action commenced, a resident of the State of Texas.

6. As set forth in paragraph 2.3 of the Petition, Defendant National Settlements, Inc. is now and was at the time the action commenced a corporation organized and existing under the laws of the State of Texas. The principal place of business for Defendant National Settlements, Inc. is now and was at the time the action commenced located in the Houston, Texas.

7. As set forth in paragraph 2.4 of the Petition, Global is now and was at the time the action commenced a limited liability company organized and existing under the laws of the State

of Oklahoma. The principal place of business for Global is now and was at the time the action commenced located in the State of Oklahoma.

8. The amount in controversy exceeds \$75,000, exclusive of interest and costs.

8(a) In paragraph 4.9 of the Petition, Plaintiff alleges that he has been severely damaged by harm to his credit rating and credit scores and that his damages include the promised savings of \$36,886, the supposed increase in the balance due to creditors of \$45,000, attorney's fees incurred to defend other lawsuits amounting to \$2,000, and \$12,309.00, the amount Plaintiff alleges he has paid to Defendant National Settlements, Inc. Plaintiff further alleges that he has suffered mental anguish and emotional distress because of the acts of Defendant National Settlements, Inc;

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8(e) In the Prayer of the Petition, Plaintiff sets forth that among the relief sought, Plaintiff is seeking actual damages, statutory damages, as well as punitive damages.

9. Finally, this action is not one which is described in 28 U.S.C. § 1445.

IV.
Consent to Removal

10. The rule of unanimity is satisfied as all defendants that have been served or otherwise properly joined in this action join in this Notice of Removal. See Defendants Charles McGuire and National Settlements, Inc.'s Consent to Removal, attached as Exhibit "A" to this Notice of Removal.

V.
Notice of the Removal

11. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal will be given to all adverse parties and a true and correct copy of this Notice of Removal will be filed with the Clerk in the County Court of Harris County, Texas. (A copy of the state court notification of removal is attached as Exhibit "B.")

VI.
Required Documents

12. Pursuant to and in accordance with Local Rule 81, the following documents are attached hereto:

- 12(a) All executed process in the case, attached hereto as Exhibit "C;"
- 12(b) All pleadings asserting causes of action, e.g., petitions, counterclaims, cross actions, third-party actions, interventions, and all answers to such pleadings, attached hereto as Exhibit "D;"
- 12(c) The docket sheet, attached hereto as Exhibit "E;"
- 12(d) An index of all matters being filed, attached hereto as Exhibit "F;" and
- 12(e) A list of all counsel of record, including addresses, telephone numbers, and parties represented, attached hereto as Exhibit "G."

VII.
Reservation of Rights

13. In filing this Notice for Removal, Global is making a special limited appearance. Global denies that it has been effectively served with adequate process under Texas law or the Texas Long Arm Statute, that it is a proper party to this action, and otherwise contends that it is not subject to either personal or subject matter jurisdiction in this case.

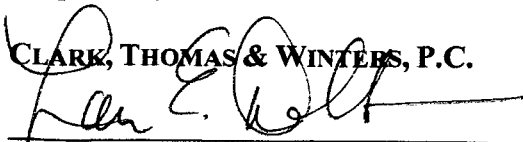
14. By filing this Notice for Removal, Global does not waive its right to demand enforcement of the parties' arbitration and forum selection clauses, object to venue, or otherwise assert any and all defenses available to it, including those defenses enumerated in Rule 12(b) of the Federal Rules of Civil Procedure, all of which Global expressly reserves.

VIII.
Request for Relief

Global Client Solutions, LLC requests the following relief:

- (a) That the Court make such orders and take such action as may be necessary in connection with the removal of the State Court Action to this Court; and
- (b) Such other and further relief, both general and special, at law and in equity, to which Global Client Solutions, LLC may show itself justly entitled.

Respectfully submitted,


CLARK, THOMAS & WINTERS, P.C.

Laura E. De Santos
Texas Bar No. 00793612
Fed. I.D. No. 19328
Clark, Thomas & Winters, P.C.
3000 Wesleyan, Suite 265
Houston, Texas 77027
713-621-0200 (phone)
713-621-0204 (fax)

Of Counsel:

Jack E. Urquhart
Texas Bar No. 20415600
Federal I.D. No. 2082
Clark, Thomas & Winters, P.C.
3000 Wesleyan, Suite 265
Houston, Texas 77027
713-621-0200 (phone)
713-621-0204 (fax)

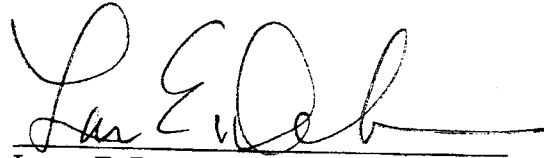
**ATTORNEYS FOR DEFENDANT
GLOBAL CLIENT SOLUTIONS, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on this the 31st day of July, 2009, a true and correct copy of the Defendant's Notice of Removal has been served on the following counsel of record:

VIA FIRST CLASS U.S. MAIL/CMRR

Mark L. Aschermann
Attorney at Law
6300 West Loop South, Suite 341
Bellaire, Texas 77401



Laura E. De Santos

C

IN THE UNITED STATES DISCTRICK COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VICTOR ANTHONY	§	
	§	
vs.	§	Civil Action No.: _____
	§	
CHARLES MCGUIRE,	§	
NATIONAL SETTLEMENTS, INC.,	§	(Removed from County Court
and GLOBAL CLIENT SOLUTIONS, INC.	§	at Law No. 3 Harris County, Texas)

EXHIBIT C

ALL EXECUTED PROCESS ON FILE

1

OFFICE OF BEVERLY B. KAUFMAN, COUNTY CLERK, HARRIS COUNTY, TEXAS
P.O. BOX 1525 • HOUSTON, TEXAS 77251-1525 • (713) 755-6000
COUNTY CIVIL COURTS DEPARTMENT

DO NOT WRITE OR STAMP IN THIS SPACE

DOCKET NUMBER: 942,312

RECEIPT NUMBER: OOC NO SHERIFF/CONSTABLE FEE COLLECTED

FOR COUNTY CLERK USE ONLY

VICTOR ANTHONY

PLAINTIFF

VERSUS

IN COUNTY CIVIL COURT AT LAW NO. 3
201 CAROLINE / 5TH FLOOR
HOUSTON, HARRIS COUNTY, TEXAS 7700

CHARLES MCGUIRE, NATIONAL SETTLEMENTS, INC. AND
GLOBAL CLIENT SOLUTIONS, INC.

DEFENDANT

THE STATE OF TEXAS

ORIGINAL PETITION W/REQ. FOR DISCLOSURES CITATION

TO: CHARLES MCGUIRE IS AN INDIVIDUAL

POB: 3100 GESSNER ROAD, STE 400
HOUSTON, TEXAS 77063

2009 JUL 13 PM 3:03
FILED
COUNTY CLERK
HARRIS COUNTY, TEXAS

ATTACHED IS A COPY OF PETITION WITH DISCOVERY ATTACHED. THIS INSTRUMENT WAS FILED ON THE 22ND DAY OF JUNE, 2009, IN THE ABOVE CITED CAUSE NUMBER AND COURT. THE INSTRUMENT ATTACHED DESCRIBES THE CLAIM AGAINST YOU.

YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE COUNTY CLERK WHO ISSUED THIS CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT JUDGMENT MAY BE TAKEN AGAINST YOU.

ISSUED AND GIVEN UNDER MY HAND AND THE SEAL OF SAID COURT, AT HOUSTON, TEXAS, THIS 23RD DAY OF JUNE, 2009.

BEVERLY B. KAUFMAN COUNTY CLERK
COUNTY CIVIL COURT AT LAW NO. 3,
201 CAROLINE, ROOM 300
HARRIS COUNTY, TEXAS

Eloise G. Campos
ELOISE G CAMPOS
DEPUTY COUNTY CLERK

REQUESTED BY: ASCHERMANN - ATTORNEY AT LAW
MARK L. ASCHERMANN
6300 WEST LOOP SOUTH #341
HOUSTON TX 77098

1 OF 1

Form H-02-07A (Rev. 05/07/2008)

A CERTIFIED COPY

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

OFFICER'S RETURN

Came to hand on JULY 1, 2009, at 1:45 o'clock P.M. and

executed in HARRIS County, Texas, by delivering to each of the within named Defendants, in person, a true copy of this Citation together with the accompanying copy of the Plaintiff's petition, at the following time and places to-wit:

NAME	DATE			TIME	PLACE OR ADDRESS OF SERVICE
	Month	Day	Year	Hour / Min. - AM/PM	
CHARLES MCGUIRE	7	8	2009	4:15 PM	3100 S. Gessner #400
					Houston TX

and not executed as to the Defendant _____

the diligence used in finding said Defendant, being _____

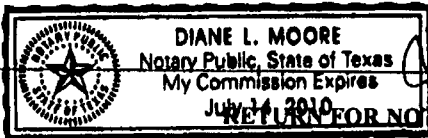
and the cause of failure to execute this process is: _____

and the information received as to the whereabouts of the said Defendant, being: _____

VON MOORE (SCH 903)
(Authorized Person)

Sworn to and subscribed before me this _____ day _____ of _____

(Notary Public)



By _____

AUTHORIZED PERSON
(Sheriff)
(Constable)
County, Texas

Dep

STATE OF _____ §

COUNTY OF _____ §

Before me, the undersigned authority, personally appeared _____

a person competent to make oath, and who by me being duly sworn, deposes and says; that this notice came to hand on _____, at _____ o'clock A.M./P.M., and executed by delivery to defendant, _____, in person, at _____ in _____ County _____, State of _____ on _____, at _____ o'clock A.M./P.M., a true copy of the notice, with a copy of plaintiff's petition attached thereto. He further says that he is in no manner interested in this Suit.

Sworn to and subscribed before me, _____

(Sheriff)
(Constable)
County

State of _____

By _____ Deputy

A CERTIFIED COPY

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

Case No. 942,312

VICTOR ANTHONY
PLAINTIFF

VS

CHARLES MCGUIRE,
NATIONAL SETTLEMENTS, INC. AND
GLOBAL CLIENT SOLUTIONS, INC
DEFENDANT

9 July 2009

§ IN THE COUNTY COURT AT LAW

§ NO. THREE (3) OF HARRIS COUNTY, TEXAS

§ HOUSTON, TEXAS 77002

AFFIDAVIT

Before me, the undersigned authority, personally appeared Von Moore who swore on oath that the following facts are true and correct:

"My name is Von Moore. I am an authorized private process server in matters pending in all Civil Courts in the State of Texas by the Supreme Court of Texas. I was first authorized by general order of the Supreme Court of Texas on July 1, 2005. My Identification Number is SCH 903."

The parties to this case are as follows:

Plaintiff(s): VICTOR ANTHONY

Defendant(s) CHARLES MCGUIRE, NATIONAL SETTLEMENTS, INC
AND GLOBAL CLIENT SOLUTIONS, INC.

I am not a party to this case, nor am I related to, employed by, or otherwise connected to [other than having been retained to serve process in this case] any party or any party's attorney in this case; and I have no interest in the outcome of this lawsuit.

I am over the age of 18 years. I am of sound mind and have never been convicted of a felony or misdemeanor involving moral turpitude."

Von Moore

Von Moore SCH 903

Before me, a notary public, on this day personally appeared VON MOORE, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared under oath that the statements therein contained are true and correct. Given under my hand and seal of this 9th day of July 2009.

SEAL

Alaine L. Moore

NOTARY PUBLIC

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

A CERTIFIED COPY

ATTEST: **JUL 29 2009**
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

766-93-6215

2

OFFICE OF BEVERLY B. KAUFMAN, COUNTY CLERK, HARRIS COUNTY, TEXAS
P.O. BOX 1525 • HOUSTON, TEXAS 77251-1525 • (713) 755-6421
COUNTY CIVIL COURTS DEPARTMENT

791950

DO NOT WRITE OR STAMP IN THIS SPACE

DOCKET NUMBER: 942,312

RECEIPT NUMBER: OOC NO SHERIFF/CONSTABLE FEE COLLECTED

FOR COUNTY CLERK USE ONLY

VICTOR ANTHONY

PLAINTIFF

VERSUS

CHARLES MCGUIRE, NATIONAL SETTLEMENTS, INC. AND
GLOBAL CLIENT SOLUTIONS, INC.

DEFENDANT

THE STATE OF TEXAS

ORIGINAL PETITION W/REQ. FOR DISCLOSURES CITATION

TO: NATIONAL SETTLEMENTS, INC. IS A TEXAS CORPORATION BY SERVING
REGISTERED AGENT JACK FUERST

11490 WESTHEIMER STE 200
HOUSTON, TEXAS 77077

FILED
2009 JUL 13 PM 3:03
COUNTY CLERK
HARRIS COUNTY, TEXAS

ATTACHED IS A COPY OF PETITION WITH DISCOVERY ATTACHED.
THIS INSTRUMENT WAS FILED ON THE 22ND DAY OF JUNE, 2009, IN THE ABOVE CITED
CAUSE NUMBER AND COURT. THE INSTRUMENT ATTACHED DESCRIBES THE CLAIM AGAINST
YOU.

YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. IF YOU OR YOUR
ATTORNEY DO NOT FILE A WRITTEN ANSWER WITH THE COUNTY CLERK WHO ISSUED THIS
CITATION BY 10:00 A.M. ON THE MONDAY NEXT FOLLOWING THE EXPIRATION OF
TWENTY DAYS AFTER YOU WERE SERVED THIS CITATION AND PETITION, A DEFAULT
JUDGMENT MAY BE TAKEN AGAINST YOU.

ISSUED AND GIVEN UNDER MY HAND AND THE SEAL OF SAID COURT, AT HOUSTON,
TEXAS, THIS 23RD DAY OF JUNE, 2009.

BEVERLY B. KAUFMAN COUNTY CLERK
COUNTY CIVIL COURT AT LAW NO. 3,
201 CAROLINE, ROOM 300
HARRIS COUNTY, TEXAS

Eloise G Campos
ELOISE G CAMPOS
DEPUTY COUNTY CLERK

REQUESTED BY ASCHERMANN - ATTORNEY AT LAW
MARK L ASCHERMANN
6300 WEST LOOP SOUTH #341
HOUSTON TX 77098

1 OF 1

RECORDER'S MEMORANDUM:
At the time of recording, this instrument was found
to be inadequate for the final photographic
reproduction because of illegibility, carbon or photo
copy, discolored paper etc. All blockouts, additions
and changes were present at the time the instrument
was filed and recorded.

Form H-02-07A (Rev. 05/07/2008)

A CERTIFIED COPY

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

OFFICER'S RETURN

Came to hand on JULY 1, 2009, at 1:45 o'clock P.M. and

executed in HARRIS County, Texas, by delivering to each of the within named Defendants, in person, a true copy of this Citation together with the accompanying copy of the Plaintiff's petition, at the following time and places to-wit:

NAME	DATE			TIME	PLACE OR ADDRESS OF SERVICE
	Month	Day	Year	Hour / Min. - AM/PM	
NATIONAL SETTLEMENTS, INC	7	9	2009	5:04 PM	8955 Katy Frewy #205
A Texas Corporation by handing to registered agent JACK FURST					Houston, TX 77024

and not executed as to the Defendant _____

the diligence used in finding said Defendant, being _____

and the cause of failure to execute this process is: _____

and the information received as to the whereabouts of the said Defendant, being: _____

Von Moore (HARRIS)

(Authorized Person)

Sworn to and subscribed before me this 10th day July of 2009

Von Moore

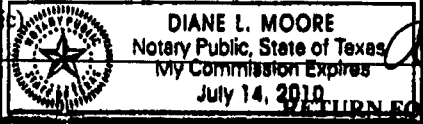
(AUTHORIZED PERSON)

(Sheriff)

(Constable)

County, Texas

(Notary Public)



By Diane L. Moore

RETURN FOR NOTICE TO SERVE NON-RESIDENT DEFENDANT

STATE OF _____ §

COUNTY OF _____ §

Before me, the undersigned authority, personally appeared _____

a person competent to make oath, and who by me being duly sworn, deposes and says; that this notice came to hand on _____

at _____ o'clock A.M./P.M., and executed by delivery

to defendant, _____, in person, at _____

in _____, County _____, State of _____

on _____, at _____ o'clock A.M./P.M., a true copy of the notice, with a copy of

plaintiff's petition attached thereto. He further says that he is in no manner interested in this Suit.

Sworn to and subscribed before me, _____

(Sheriff)

(Constable)

County

State of _____

By _____ Deputy

NOTARIZATION IS REQUIRED FOR ALL
NOTARIZATION IS REQUIRED FOR ALL
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NOTARIZATION IS REQUIRED FOR ALL

Form No. H-02-07A (Rev. 05/07/2008)

A CERTIFIED COPY

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

Case No. 942,312

VICTOR ANTHONY

PLAINTIFF

VS

**CHARLES MCGUIRE,
NATIONAL SETTLEMENTS, INC. AND
GLOBAL CLIENT SOLUTIONS, INC**

DEFENDANT

10 July 2009

§ IN THE COUNTY COURT AT LAW

§ NO. THREE (3) OF HARRIS COUNTY, TEXAS

§ HOUSTON, TEXAS 77002

AFFIDAVIT

Before me, the undersigned authority, personally appeared Von Moore, who swore on oath that the following facts are true and correct:

"My name is Von Moore. I am an authorized private process server in matters pending in all Civil Courts in the State of Texas by the Supreme Court of Texas. I was first authorized by general order of the Supreme Court of Texas on July 1, 2005. My Identification Number is SCH 903."

The parties to this case are as follows:

Plaintiff(s): VICTOR ANTHONY

Defendant(s) CHARLES MCGUIRE, NATIONAL SETTLEMENTS, INC
AND GLOBAL CLIENT SOLUTIONS, INC.

I am not a party to this case, nor am I related to, employed by, or otherwise connected to [other than having been retained to serve process in this case] any party or any party's attorney in this case; and I have no interest in the outcome of this lawsuit.

I am over the age of 18 years. I am of sound mind and have never been convicted of a felony or misdemeanor involving moral turpitude."

Von Moore

Von Moore SCH 903

Before me, a notary public, on this day personally appeared VON MOORE, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared under oath that the statements therein contained are true and correct. Given under my hand and seal of this 10th day of July 2009.

SEAL

Charles L. Moore
NOTARY PUBLIC

RECORDER'S MEMORANDUM:
At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

A CERTIFIED COPY

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

2129-EG-994

FILED
2009 JUL 13 PM 03
HARRIS COUNTY CLERK
OFFICE

D

IN THE UNITED STATES DISCTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VICTOR ANTHONY	§	
	§	
vs.	§	Civil Action No.: _____
	§	
CHARLES MCGUIRE,	§	
NATIONAL SETTLEMENTS, INC.,	§	(Removed from County Court
and GLOBAL CLIENT SOLUTIONS, INC.	§	at Law No. 3 Harris County, Texas)

EXHIBIT D

ALL PLEADINGS ASSERTING CAUSES OF
ACTION AND ALL ANSWERS TO SUCH PLEADINGS

Plaintiffs’ Original Petition (filed 06/22/09).....Exhibit D(1)

Defendants’, Charles McGuire and National Settlements, Inc.,
Original Answer to the Original Petition (filed 07/22/09).....Exhibit D(2)

1

942312

C.C.C.L. # 3

CAUSE NO.

VICTOR ANTHONY

§
§
§
§
§
§
§

IN THE COUNTY COURT

v. 767638

COURT AT LAW NO. ____

CHARLES MCGUIRE, NATIONAL
SETTLEMENTS, INC. and GLOBAL
CLIENT SOLUTIONS, INC.

HARRIS COUNTY, T E X A S

② in
Doc
794
w/d
Rto

PLAINTIFF'S ORIGINAL PETITION
WITH REQUEST FOR DISCLOSURES

The Plaintiff, VICTOR ANTHONY, files this Plaintiff's Original Petition with Request for Disclosures against the Defendant CHARLES MCGUIRE, NATIONAL SETTLEMENTS, INC. and GLOBAL CLIENT SOLUTIONS and would show the Court the following:

1.

Discovery Plan

This is a Level 3 case pursuant to Rule 190 of the Texas Rules of Civil Procedure.

2.

Parties

2.1 The Plaintiff, VICTOR ANTHONY ("ANTHONY"), is a resident of Queens County, New York.

2.2 The Defendant CHARLES MCGUIRE ("MCGUIRE") is an individual who resides in Texas who may be served with citation by serving him at his place of business at 3100 Gessner Road, ste 400, Houston, Texas 77063.

2.3 The Defendant NATIONAL SETTLEMENT, INC. ("NATIONAL SETTLEMENT") is a Texas corporation which may be served with citation by serving its registered agent for service of process Jack Fuerst, 11490 Westheimer ste 200, Houston, Texas 77077.

2.4 The Defendant GLOBAL CLIENT SOLUTIONS, INC. ("GLOBAL") is an Oklahoma corporation which may be served with citation by serving its registered agent for service of process Timothy Merrick, 9820 E. 41st St., Ste 400, Tulsa, Oklahoma 74146.

A CERTIFIED COPY,

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

766-82-0074

3.

Jurisdiction and Venue

3.1 Jurisdiction is proper in the Harris County Court because the amounts complained of exceed the minimum jurisdictional limit of the Court but do not exceed the maximum jurisdictional limit of the court.

3.2 Venue is proper in Harris County, Texas because the acts complained of occurred either in whole or in part in Harris County, Texas.

4.

Facts

4.1 On or about July 25, 2006 VICTOR ANTHONY ("ANTHONY") entered into an agreement with NATIONAL SETTLEMENTS, INC. ("NATIONAL SETTLEMENT") to pool and manage his debts. ANTHONY was interested in the program because NATIONAL SETTLEMENT promised through its agent CHARLES MCGUIRE that it would reduce all existing debts to 40% or less of their existing balance. Specifically, NATIONAL SETTLEMENT and MCGUIRE calculated a total ANTHONY debt of \$82,063.00 and promised that it would be reduced to 40% of that amount, or \$32,868.00. For its services, NATIONAL SETTLEMENT charged a 15.0% service fee of the \$82,063.00 debt or \$12,309.00. At all pertinent times NATIONAL SETTLEMENT acted by and through its agent CHARLES MCGUIRE.

4.2 As of July 25, 2006, ANTHONY had suffered a default judgment against him in New York State by Unifund. ANTHONY had not received notice of the more than \$28,000 judgment. MCGUIRE of NATIONAL SETTLEMENT told ANTHONY that NATIONAL SETTLEMENT would handle the matter and that ANTHONY did not need to hire a New York lawyer.

4.3 Based upon the advice of NATIONAL SETTLEMENT, ANTHONY stopped making payments to his other creditors, instead paying GLOBAL CLIENT SOLUTIONS, LLC. of Tulsa Oklahoma. GLOBAL acted as the equivalent of an attorney's trust account. ANTHONY paid over \$19,000.00 to GLOBAL in eighteen months without having any accounts settled. Instead, GLOBAL paid \$12,309.00 to NATIONAL SETTLEMENT as fees. After numerous complaints, GLOBAL

Plaintiff's Original Petition and Request for Disclosure - Page 2

A CERTIFIED COPY

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

766-82-0075

refunded \$757.00 to ANTHONY. ANTHONY has used some of those funds to settle some of his accounts. NATIONAL SETTLEMENT had not settled a single account or even explained to ANTHONY what it had done or what it planned to do.

4.4 Based upon the advice of MCGUIRE and NATIONAL SETTLEMENT, ANTHONY did not pay his creditors. This caused ANTHONY's creditors to initiate additional collection action against him. As creditors began to call ANTHONY and take other action, NATIONAL SETTLEMENT told ANTHONY to ignore those phone calls. Instead, NATIONAL SETTLEMENT told ANTHONY to forward the information from and about the Creditors to NATIONAL SETTLEMENT.

4.5 NATIONAL SETTLEMENT did not explain the impact that this action would have on ANTHONY's credit score. Credit scores are vitally important in today's economy and ANTHONY's credit score has gone from a credit score where he was able to obtain any type of credit or any job to a credit score so low that he is a virtual outcast. The damage to his credit history and credit scores is the result of the advice given to him by NATIONAL SETTLEMENT.

4.6 NATIONAL SETTLEMENT and MCGUIRE also engaged in the unauthorized practice of law. MCGUIRE told ANTHONY that NATIONAL SETTLEMENT could negotiate with the Unifund account and that ANTHONY did not need to hire an attorney. NATIONAL SETTLEMENT discouraged ANTHONY from responding to the Arbitration notices by stating that such a response would be a waste of time. NATIONAL SETTLEMENT promised to negotiate the debt AFTER the creditor obtained the award. ANTHONY was suspicious about the advice and obtained assistance.

4.7 NATIONAL SETTLEMENT funneled money from ANTHONY to GLOBAL. ANTHONY eventually paid NATIONAL SETTLEMENT in the amount of \$12,309.00 for no results.

4.8 Almost \$125,000.00 in debt remains unresolved that was to have been negotiated by the Defendants.

4.9 ANTHONY has been severely damaged in the destruction of his credit rating and credit scores. Additionally and specifically, ANTHONY has been damaged as follows:

Plaintiff's Original Petition and Request for Disclosure - Page 3

A CERTIFIED COPY

ATTEST: JUL 29 2009
 BEVERLY B. KAUFMAN, County Clerk
 Harris County, Texas

Paula Robinson
 Paula Robinson

Deputy

766-82-0076

Estimated Debt with Interest, Penalties & Attorney's Fees	\$ 82,063.00	
Reduced Debt through NATIONAL SETTLEMENT Plan	<u>\$ 32,868.00</u>	
Promised Savings (not counting interest)		\$36,886.00
Increase in balances to creditors part of Defendants plans		\$ 45,000.00
Attorney's fees to defend Unifund and other Lawsuits		\$ 2,000.00
Amount paid to NATIONAL SETTLEMENT		\$ 12,309.00

Additionally, ANTHONY has suffered mental anguish and emotional distress damages because of the acts of NATIONAL SETTLEMENT and will also incur attorney's fees to resolve this matter.

5.

Texas Deceptive Trade Practices Act

5.1 Plaintiffs reallege and incorporate by reference paragraphs 2.1 through 4.9 above.

5.2 This suit is brought by Plaintiffs pursuant to the provisions of the Texas Business & Commerce Code, Annotated, Section 17.41, et seq., commonly known as the Deceptive Trade Practices & Consumer Protection Act (hereinafter referred to as the "DTPA"), upon the grounds that the acts and practices of the Defendant described herein are prohibited by this Statute.

5.3 Written notice of the claims herein has been given in the manner and form required by Section 17.50 of the DTPA.

5.4 At all material times herein, Plaintiffs were "consumers" and NATIONAL SETTLEMENT had engaged in conduct more fully set forth herein, which constitutes "trade or commerce" as those terms are defined in Section 17.45 of the DTPA.

5.5 The Defendants NATIONAL SETTLEMENT and MCGUIRE violated the DTPA § 17.46 (b) by:

- (2) causing confusion or misunderstanding as to the source, sponsorship, approval, or certification of goods or services;
- (3) causing confusion or misunderstanding as to affiliation, connection, or association with, or certification by, another;
- (5) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which he does not.
- (7) representing that goods or services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another;
- (12) representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law;
- (23) the failure to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed.

Plaintiff's Original Petition and Request for Disclosure - Page 4

A CERTIFIED COPY

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

17.50(a) Defendant engaged in an unconscionable action or course of action, which to plaintiff's detriment, took advantage of the lack of knowledge, ability, experience, or capacity of plaintiff to a grossly unfair degree; and

5.6 Pursuant to Section 17.50 of the DTPA, each Plaintiff is entitled to such other and further relief as provided for under Section 17.50 of the Deceptive Trade Practices and Consumer Protection Act, including the award of treble damages.

6.

Debt Pooling Contracts and Texas Theft Liability Act

6.1 Plaintiffs reallege and incorporate by reference paragraphs 2.1 through 4.9 above.

6.2 A debt pooling contract is defined as:

(6) "Debt Management Service" means:

- (A) the receiving of money from a consumer for the purpose of distributing that money to or among one or more of the creditors of the consumer in full or partial payment of the consumer's obligations;
- (B) arranging or assisting a consumer to arrange for the distribution of one or more payments to or among one or more creditors of the consumer in full or partial payment of the consumer's obligations; or
- (C) exercising control, directly or indirectly, or arranging for the exercise of control over funds of a consumer for the purpose of distributing payments to or among one or more creditors of the consumer in full or partial payment of the consumer's obligations..

Texas Finance Code §394.202

The NATIONAL SETTLEMENT contract with the Plaintiff was a debt management service contract. **Texas Finance Code §394.202 (7)**. A debt management service contract is void unless the Provider A is registered with the Texas Office of Consumer Credit Commissioner.

Texas Finance Code §394.215. A copy of the contract is attached hereto as Exhibit A.

6.3 Defendants utilized such scheme to appropriate the property of the Plaintiff in violation of **Texas Penal Code §32.32**. A person who commits theft is liable for the damages resulting from the theft. **Texas Civil Practices and Remedies Code §134.103**.

6.4 Plaintiff is entitled to recover the amount paid to NATIONAL SETTLEMENT, costs, attorney's fees and damages. **Texas Finance Code §394.215**.

7.

Attorney's Fees

7.1 Plaintiffs reallege and incorporate by reference paragraphs 2.1 through 4.9 above.

Plaintiff's Original Petition and Request for Disclosure - Page 5

A CERTIFIED COPY

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

766-82-0078

7.2 The Plaintiffs, ANTHONY, is entitled to attorney's fees pursuant to Section 38.001 of the Texas Civil Practice and Remedies Code, Section 17.46, et seq. of the DTPA and Chapter 392 of the Texas Finance Code. All conditions precedent to ANTHONY's recovery have been performed or have occurred and the Defendants have failed and refused to perform pursuant to that demand.

**8.
Disclosure Request**

8.1 Pursuant to Rules 194 of the Texas Rules of Civil Procedure that the Defendant is requested to disclose, within 50 days of this request, the information or material described in Rule 194.2 (a) to (k) and all subparts.

WHEREFORE, ANTHONY prays that she have judgment against MCGUIRE, NATIONAL SETTLEMENTS, INC. and GLOBAL CLIENT SOLUTIONS, LLC for his actual damages, statutory damages, punitive damages, pre- and post-judgment interest, attorney's fees and costs of court and such other and further relief to which ANTHONY may be entitled.

Respectfully submitted,
ASCHERMANN - ATTORNEY AT LAW

By: _____

Mark L. Aschermann
State Bar No. 01368700
6300 West Loop South ste 341
Houston, Texas 77098
(713) 942-0808 / (713) 942-0449 FAX

FILED

2009 JUN 22 AM 9:54

Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

Plaintiff's Original Petition and Request for Disclosure - Page 6

A CERTIFIED COPY.

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

766-82-0079

MARK L. ASCHERMANN

ATTORNEY AT LAW

Board Certified - Consumer and Commercial Law
Texas Board of Legal Specialization

6300 West Loop S, Ste. 341
Bellaire, Texas 77401
Telephone (713) 942-0808
FAX (713) 942-0449

June 19, 2009

Beverly Kaufman
County Clerk
PO Box 1525
Houston, Texas 77251-1525

RE: Cause No. _____; Victor Anthony v. Charles McGuire, National Settlements, Inc. and Global Client Solutions, Inc.; In the County Court At Law No. _____ of Harris County, Texas

Dear Sirs:

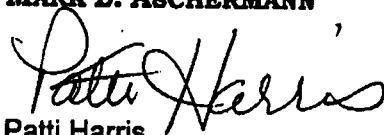
Enclosed please find a revised version of the following:

- (X) Plaintiff's Original Petition and Requests for Disclosures – original and one copy to be file stamped and returned to our office;
- (X) Our check in the sum of \$194.00 (\$182.00 filing fee and \$12.00 for issuance of three Citations at \$4.00) is enclosed;
- (X) Citation to be issued on CHARLES MCGUIRE ("MCGUIRE") is an individual who resides in Texas who may be served with citation by serving him at his place of business at 3100 Gessner Road, Ste 400, Houston, Texas 77063 and to be returned to our office for service;
- (X) Citation to be issued on NATIONAL SETTLEMENT, INC. ("NATIONAL SETTLEMENT") is a Texas corporation which may be served with citation by serving its registered agent for service of process Jack Fuerst, 11490 Westheimer, Ste 200, Houston, Texas 77077 and to be returned to our office for service;
- (X) GLOBAL CLIENT SOLUTIONS, INC. ("GLOBAL") is an Oklahoma corporation which may be served with citation by serving its registered agent for service of process Timothy Merrick, 9820 E. 41st St., Ste 400, Tulsa, Oklahoma 74146 and to be returned to our office for service;
- (X) Self-addressed stamped envelope for your convenience to mail copies back to our office.

Thank you for your cooperation.

Sincerely,

MARK L. ASCHERMANN

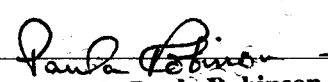

Patti Harris
Paralegal
aschermann_law@swbell.net

/pah

Enclosures

A CERTIFIED COPY

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas


Paula Robinson
Deputy

766-82-0088

ASCHERMANN
ATTORNEY AT LAW
6300 WEST LOOP S, STE. 341
BELLAIRE, TEXAS 77401

US POSTAGE
\$1.73
JUN 19 2009 Mailed from ZIP 77098
6 oz First-Class Flat Rate
Pammy Bowles 071P0080915

Beverly Kaufman
County Clerk
PO Box 1525
Houston, TX 77251-1525

766-82-0081

A CERTIFIED COPY

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

2

803194

NO. 942312

VICTOR ANTHONY
Plaintiff,

V.

CHARLES MCGUIRE, NATIONAL
SETTLEMENTS, INC. and GLOBAL
CLIENT SOLUTIONS, INC.
Defendants.

§ IN THE COUNTY COURT AT LAW
§
§
§ NO. THREE (3)
§
§
§
§ HARRIS COUNTY, TEXAS

FILED
2009 JUL 22 AM 9:32
Beverly B. Kaufman
COUNTY CLERK
HARRIS COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Charles McGuire and National Settlements, Inc., hereinafter called Defendants, filing this Original Answer to the Plaintiff's Original Petition, and would show unto the Court the following:

GENERAL DENIAL

1. Defendants deny each and every allegation of Plaintiff's Original Petition, and demands strict proof thereof as required by the Texas Rules of Civil Procedure.

E. REQUEST FOR DISCLOSURE

2. Under Texas Rule of Civil Procedure 194, Defendants request that Plaintiff disclose, within 30 days of the service the information or material described in Rule 104.2 (a)-(i).

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendants, Charles McGuire and National Settlements, Inc. respectfully pray that, upon a final hearing of this cause, the Plaintiff take nothing, and that Defendants be awarded costs of court and such other and further relief to which the

NOTED FOR THE RECORD:
At the time of recording this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blackouts, additions and changes were present at the time the instrument

A CERTIFIED COPY

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas

Paula Robinson
Paula Robinson

Deputy

766-99-1893

Defendants may be entitled at law or in equity, whether pled or unpled.

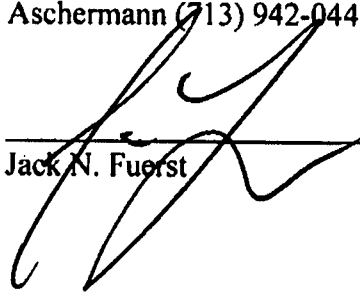
Respectfully submitted,

By: 

Jack N. Fuerst
Texas Bar No. 07499500
8955 Katy Freeway, Suite 205
Houston, TX 77024-1626
Tel. (713) 299-8221
Fax. (713) 789-2606
Attorney for Defendants
Charles McGuire &
National Settlements, Inc.

CERTIFICATE OF SERVICE

I certify that on July ~~20~~ 29, 2009 a true and correct copy of Defendants' Original Answer was served by facsimile transmission on Mark L. Aschermann (713) 942-0449


Jack N. Fuerst

RECORDER'S MEMORANDUM:

At the time of recordation, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

A CERTIFIED COPY

ATTEST: JUL 29 2009
BEVERLY B. KAUFMAN, County Clerk
Harris County, Texas


Paula Robinson

Deputy

766-99-1894

E

IN THE UNITED STATES DISCTRICK COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VICTOR ANTHONY	§	
	§	
vs.	§	Civil Action No.: _____
	§	
CHARLES MCGUIRE,	§	
NATIONAL SETTLEMENTS, INC.,	§	(Removed from County Court
and GLOBAL CLIENT SOLUTIONS, INC.	§	at Law No. 3 Harris County, Texas)

EXHIBIT E

ALL ORDERS SIGNED BY THE STATE JUDGE

There were no orders signed by the state judge in the state court file at the time of removal.

F

IN THE UNITED STATES DISCTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VICTOR ANTHONY	§	
	§	
vs.	§	Civil Action No.: _____
	§	
CHARLES MCGUIRE,	§	
NATIONAL SETTLEMENTS, INC.,	§	(Removed from County Court
and GLOBAL CLIENT SOLUTIONS, INC.	§	at Law No. 3 Harris County, Texas)

EXHIBIT F

STATE COURT DOCKET SHEET

See attached.

.DATE 29 JUL 09 10:24:25 RID 3I 28 JUL 09 CIVIL
 . OFFICE OF BEVERLY B. KAUFMAN, COUNTY CLERK, HARRIS COUNTY, TEXAS
 . DOCKETS IN COUNTY CIVIL COURTS AT LAW DEPARTMENT - HARRIS COUNTY, TEXAS

.NATURE OF PROCEEDINGS:CD DATE OPENED:06-22-2009 JURY FEE PD:
 . CLSD BOX NO:

.PLAINTIFF: ANTHONY VICTOR
 .PLNT ATTY: MARK L ASCHERMANN 0001368700

.DEFENDANT: MCGUIRE CHARLES ETAL 3100 GESSNER RD #400 HOUSTON 063
 .DEFN ATTY: JACK NICHOLAS FUERST 0007499500

*C.DOCKET.SUB.	.DATE FLD.	TYPE OF	.OL.
*N.NUMBER.DKT.FILM CODE.MMDDYYYY.TRNSACTN.DESCRPTION OF TRANSACTION			CN.
3 942312 001 766820073 06222009 CSH RECP	CR #632875 AMT \$194.00 PAID		01
* THRU 0073	BY MARK L ASCHERMANN		2
* ANTHONY VICTOR VS			3
* MCGUIRE CHARLES ETAL			4
* PET.FILED 03 CIT.(S)TO BE ISSUED			5
* DISCLOSURES			6
* RETURN TO ATTORNEY			7
* 2 IN & 1 OOC TO BE ISSUED			8
3 942312 001 766820074 06222009 CD	PLTF ORIGINAL PETITION FILED		01
* THRU 0081	CONTRACT CONSUMER COMMERCIAL DEBT		2
* VICTOR ANTHONY VS CHARLES MCGUIRE			3
* ETAL			4
3 942312 001 766830804 06232009 CIT ISS	VICTOR ANTHONY VS		01
* THRU 0804	CHARLES MCGUIRE ETAL		2
3 942312 001 766830805 06232009 CIT ISS	VICTOR ANTHONY VS		01
* THRU 0805	CHARLES MCGUIRE ETAL		2
3 942312 001 766830806 06232009 CIT ISS	VICTOR ANTHONY VS		01
* THRU 0806	CHARLES MCGUIRE ETAL		2
3 942312 001 766936210 07132009 CIT RET	TO NATIONAL SETTLEMENTS INC 7-9-09		01
* THRU 6212	APPR DATE		2
* 08-03-09			3
3 942312 001 766936213 07132009 CIT RET	TO CHARLES MCGUIRE 7-8-09		01
* THRU 6215	APPR DATE		2
* 08-03-09			3
3 942312 001 766991893 07222009 ANS	DEFTS ORIG ANS FILED BY		01
* THRU 1894	JACK N FUERST		2

..... END REPORT

A CERTIFIED COPY

ATTEST: **JUL 29 2009**
 BEVERLY B. KAUFMAN, County Clerk
 Harris County, Texas


 Paula Robinson Deputy

G

IN THE UNITED STATES DISCTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VICTOR ANTHONY	§	
	§	
vs.	§	Civil Action No.: _____
	§	
CHARLES MCGUIRE,	§	
NATIONAL SETTLEMENTS, INC.,	§	(Removed from County Court
and GLOBAL CLIENT SOLUTIONS, INC.	§	at Law No. 3 Harris County, Texas)

EXHIBIT G

INDEX OF ALL MATTERS BEING FILED

Consents to RemovalExhibit A

State Court Notification of Removal
To Be Filed With State Court After RemovalExhibit B

All Executed Process on FileExhibit C

1. Officer’s Return of Service regarding service of Citation and Petition
on Defendant Charles McGuire on July 8, 2009.

2. Officer’s Return of Service regarding service of Citation and Petition
on Defendant National Settlements, Inc. on July 9, 2009.

All Pleadings Asserting Causes of Action and
All Answers to Such Pleadings.....Exhibit D

1. Plaintiff’s Original Petition, filed June 22, 2009.

2. Defendants’, Charles McGuire and National Settlements, Inc., Original
Answer to the Original Petition filed on July 22, 2009.

All Orders Signed by the State JudgeExhibit E

State Court Docket SheetExhibit F

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H

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

VICTOR ANTHONY

vs.

CHARLES MCGUIRE,
NATIONAL SETTLEMENTS, INC.,
and GLOBAL CLIENT SOLUTIONS, INC.

§
§
§
§
§
§

Civil Action No.: _____

(Removed from County Court
at Law No. 3 Harris County, Texas)

EXHIBIT H

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